

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

COMMAND ENERGY SERVICES
INTERNATIONAL, LTD.

Debtor.

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Case No. 20-30289

(Chapter 7)

**APPLICATION TO EMPLOY MCCLOSKEY ROBERSON, PLLC.
AS SPECIAL LITIGATION COUNSEL PURSUANT TO 11 U.S.C. § 328(A)**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

Randy W. Williams, chapter 7 trustee (the “Trustee”) for the estate of Command Energy Services International, Ltd. (the “Debtor”), files this Application to Employ McCloskey Roberson, PLLC (“MR”) as special litigation counsel pursuant to 11 U.S.C. § 328(a).

Application to Employ

1. The Trustee desires to employ MR as special litigation counsel on a contingency fee basis to represent the Trustee and assist him in identifying and analyzing all claims and

causes of action owned by the estate related to the recovery of funds from certain accounts held in Barbados (collectively, the “Claims”).

2. The Claims may involve efforts to collect the funds in Barbados. Accordingly, the Trustee requires special counsel to investigate and prosecute the Claims.

3. MR maintains offices at 945 Heights Blvd., Houston, Texas 77008. MR’s main telephone number is (713) 868-5581. MR’s fax number is (713) 868-1275.

4. The Trustee has selected MR because its members have extensive experience in matters relating to commercial and bankruptcy litigation, fraudulent transfers, avoidance actions, and asset collection. The Trustee believes that MR can provide the estate with the required legal expertise to allow the Trustee to handle this litigation effectively and prudently.

5. Thomas A. Woolley, III of MR will be designated as attorney-in-charge and will be responsible for the representation of the Trustee by MR as set forth in this Application.

6. Mr. Woolley and his partners at MR are admitted to practice before all courts in the Southern District of Texas and have significant trial experience in handling commercial and bankruptcy-related litigation matters, including but not limited to, officer and director liability claims, breach of fiduciary duties claims, fraudulent transfers and preferences. They have had at least (30) trials in state and federal court. Some recent examples of representations handled by MR include:

- Mr. McCloskey and Mr. Woolley tried a 10-day International Chamber of Commerce arbitration to a three-panel arbitral tribunal in which an award in excess of \$15 million was entered for their client.
- Mr. McCloskey and Mr. Woolley settled a breach of fiduciary duty case in excess of \$1.24 million against former officers and directors in the *NC12, Inc.* bankruptcy case.
- Mr. McCloskey and Mr. Woolley settled a breach of fiduciary duty case for \$1.75 million (more than 90% of a wasting D&O policy) against former officers and directors of HII Technologies, Inc. and its subsidiaries.

- Mr. McCloskey and Mr. Woolley pursued and settled numerous claims in excess of \$1.5 million on behalf of the chapter 7 trustee in *Giant Gray, Inc.* bankruptcy case.

7. Mr. Woolley has handled numerous cases under Chapter 5 of the Bankruptcy Code representing Chapter 7 trustees, Debtors, Plan agents, and liquidating Trustees as plaintiffs and individuals and companies as defendants. In addition, Mr. Woolley has represented numerous debtors and creditors in bankruptcy cases other Chapter 7 trustees in numerous exemption objections, turnover requests and claims objections.

8. The Trustee has selected Mr. McCloskey and MR because of their experience and specialization in commercial and bankruptcy-related litigation. The Trustee believes that MR is well qualified to represent the Trustee.

9. MR will render professional services including, but not limited to:

- (a) Assisting the Trustee in analyzing claims owned by the estate;
- (b) Preparing and filing such pleadings as are necessary to pursue the estate's claims and defending the Trustee in the any potential litigation;
- (c) Conducting appropriate examinations of witnesses, claimants and other parties in interest in connection with such litigation;
- (d) Representing the Trustee in any potential litigation and any adversary proceedings and other proceedings before the Court and in any other judicial or administrative proceeding in which the claims described herein may be affected;
- (e) Collecting any judgment that may be entered in favor of the Trustee in the claims;
- (f) Handling any appeals that may result from the potential litigation; and
- (g) Performing any other legal services that may be appropriate in connection with the prosecution of the claims.

Statement Regarding Connections to the Case

10. MR has not represented the Debtor prior to or during this bankruptcy case. MR has represented the Trustee in prior matters including (i) Case No. 13-36238; *In re HRD*

Corporation; (ii) Case No. 17-35467; *In re Mogul Energy International, Inc.*; and (iii) Case No. 17-35952, *In re Anloc, LLC*. MR also currently represents several other chapter 7 trustees in other active cases. MR also represented Randy Williams in his capacity as a post-confirmation trustee in Case No. 18-34245 pending in the United States Bankruptcy Court for the Southern District of Texas.

11. Except as set forth above and in the attached affidavit, MR has no other connection with the debtor, its creditors, any other parties in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee and is a “disinterested person” within the definition of § 101(14) of the Bankruptcy Code on the matters for which it is to be engaged as special counsel. *See Attached Affidavit.*

Compensation

12. The Trustee has negotiated a contingency fee of 35%. A copy of the proposed agreement is attached as **Exhibit 1**. This contingent fee is less than MR’s normal contingency fee of 40%.

13. In reaching his decision, the Trustee has evaluated the estate’s available resources, the complexity of the litigation, the anticipated costs and the associated risks of the litigation. Given that the estate may not have sufficient resources to employ counsel on an hourly fee basis, the Trustee determined that a contingency fee arrangement was appropriate.

14. Under the circumstances, the Trustee believes that the terms of the proposed agreement are reasonable, prudent and in the best interest of the estate.

15. MR has not received any funds from the debtor, the Trustee or any other party in this case.

16. In the attached affidavit, MR has identified the amount and source of compensation to be paid to MR for services rendered in connection with its representation of the Trustee in this case.

17. Accordingly, the Trustee requests that the Court approve the retention of MR as special litigation counsel under 11 U.S.C. § 328(a) as set forth above and for such other relief as is just.

DATED: August 13, 2020.

McCLOSKEY ROBERSON, PLLC

By: /s/ Thomas A. Woolley, III
Timothy M. McCloskey
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**PROPOSED SPECIAL LITIGATION
COUNSEL FOR RANDY WILLIAMS,
CHAPTER 7 TRUSTEE**

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Bankr. R. 2014, this instrument was served by United States first class mail, with proper postage affixed, addressed to the parties set forth on the attached Service List on this 13th day of August 2020.

/s/ Thomas A. Woolley, III
Thomas A. Woolley, III

Barbados Revenue Authority
6th Floor, Treasury Building
Bridgetown, Barbados

Command Tubular Products, LLC
18911 W. Industrial Pkwy.
New Caney, TX 77357

Ector County Tax Office
1010 E. 8th Street, Room 100
Odessa, TX 79761-4634.

Fort Bend County Tax Office
1317 Eugene Heimann Circle
Richmond, TX 77469-3623

Harris County Tax Office
P.O. Box 4089
Houston, TX 77210-4089

Internal Revenue Service
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101

Jiangsu Shuguang Huayang
Drilling Tool Co., Ltd.
No. 18 Shuguang Industrial Park
Biami Town, Jiangyan City
Jiangsu Province, P.R. China
Lloyd Sadd Insurance Brokers Ltd.
Eau Claire Place II-350
521 3rd Ave. SW
Calgary, AB T2P 3T3

KC Hardbanding, LLC
18911 W. Industrial Pkwy.
New Caney, TX 77357

Lafayette Parish Assessor
P.O. Box 3225
Lafayette, LA 70502-3225

Montgomery County Tax Office
400 N. San Jacinto St.
Conroe, TX 77301-2823

Office of the Texas Attorney
General
P.O. Box 12548
Austin, TX 78711-2548

Platinum Int'l Bus. Solutions, Inc.
Braemar Court
Deighton Rd.; Ste. 200
St. Michael, BB14017, Barbados

Platinum Offshore Mgmt. Services, Inc.
Braemar Court
Deighton Rd., Ste. 200
St. Michael, BB14017, Barbados

RBC Royal Bank Barbados Limited
P.O. Box 1388
Charleston Park, Collymore Rock
St. Michael, Barbados

RBCI Chartered Accountants
Box 5049 Warrens Tower II
St. Michael, Barbados

Schlanger Silver Barg & Paine, LLP
c/o John B. Hall
109 N. Post Oak Ln, Ste. 300
Houston, TX 77024-7755

Scurry County Tax Office
Courthouse
1806 25th Street, Ste. 103
Snyder, TX 79549-2533

Store All, Inc.
#12 Pine Commercial
St. Michael, BB11103, Barbados

Texas Comptroller
1711 San Jacinto Blvd., Ste. 180
Austin, TX 78701-1416

Texas Internal Pipe Coating, LLC
8465 Hwy., 75 S.
Madisonville, TX 77864

Totz Ellison & Tetz, P.C.
c/o Andrew B. Tetz
2211 Norfolk St., Ste. 510
Houston, TX 77098-4048

Command Energy Services, Int'l.
18911 W. Industrial Pkwy.
New Caney, TX 77357

US Trustee
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Houston, TX 77002